

In The United States Court of Federal Claims

No. 08-700C

(Filed: October 24, 2011)

JAY ANTHONY DOBYNS,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

On October 12, 2011, defendant filed a consent motion for leave to allow five fact witness depositions out of time under RCFC 30(a)(2)(A), and for leave to subpoena a former government employee for the second time. The court finds that good cause exists to **grant** the motion in light of the defendant's omission of critical information in its production to plaintiff during fact discovery. Therefore, in accordance with RCFC 26(b)(2):

1. On or before October 31, 2011, the parties shall reconvene depositions for four government employees referenced in the motion of October 12, 2011, for one-hour depositions to be scheduled by defendant;
2. In addition, the court **GRANTS** leave to the parties to again subpoena the former government employee referenced in the motion of October 12, 2011, consistent with RCFC 45, and to conduct a half-day deposition as soon as possible of that individual;
3. Defendant shall bear the expense of reconvening these five depositions; and
4. The remainder of the court-ordered schedule in this matter remains unaffected.

IT IS SO ORDERED.

s/Francis M. Allegra

Francis M. Allegra

Judge